



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 28, 1995

Mr. Gary Smith
City Attorney
City of Greenville
P.O. Box 1049
Greenville, Texas 75403

OR95-1606

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 37439.

The City of Greenville (the "city") has received a request for the names of individuals who participated in a march on November 11, 1995 and a copy of the demonstration permit. The requestor also asks several questions regarding the individuals who organized and participated in the march. You have provided a copy of the demonstration permit to the requestor. You assert that the city does not possess a list of the persons who participated in the march and that you are not required to create a list or obtain that information from other sources. In addition, you claim that the Open Records Act does not require you to answer fact questions. We agree.

As a general matter, the Open Records Act applies only to existing information and does not require a governmental body to prepare new information in response to a request. *See* Open Records Decision No. 452 (1986) at 3. Nor does the act require a governmental body to prepare answers to questions. Open Records Decision No. 555 (1990). The city therefore need not respond to the portion of the request that asks for information that the city does not possess or that requires the city to answer fact questions.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Loretta DeHay".

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 37439

Enclosure: Submitted document

cc: Mr. Dennis D. Davis
Renshaw & Davis
P.O. Box 21
Greenville, Texas 75403
(w/o enclosure)